

REMARKS

Claims 18-21 are pending. Claims 18-21 are amended. No new matter is submitted. Accordingly, entry and consideration of this Amendment is respectfully requested.

In the Office Action, claims 18-20 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Shlain, et al (U.S. Patent No. 5,460,629)(hereafter "Shlain"). The rejection is respectfully traversed.

To maintain a 35 U.S.C. §102(b) rejection a reference must teach each and every feature of a claimed invention. Shlain does not do so.

Applicants' invention with respect to claims 18-20 comprises a surgical device for severing tissue having, *inter alia*, a shaft, a hook member at a distal end of the shaft configured to capture a vessel, a sliding member movable with respect to the hook member from a first position to a second position, where the captured vessel is situated between the hook member and the sliding member, and at least one electrode for applying RF energy to cauterize the captured vessel, as recited in claim 18, from which claims 19 and 20 depend. The sliding member and electrode thus cooperate with the hook member of Applicants' invention to capture and cauterize a saphenous vessel, for example, to be used in a cardio artery bypass graft procedure.

Shlain discloses an electrosurgical probe 10 having a hook 22 at a distal end thereof and a movable forked paddle 36 straddling either side of the hook 22 for shearing and removing tissue surrounding cystic ducts, for dissecting a gall bladder from a liver bed (col. 8, lines 21-24), or for cleaning the hook 22 during or after a surgical procedure (col. 8, line 27-30). Shlain further discloses various electrode configurations (Figs. 9-21) for shearing tissue (col. 7, lines 23-30). Still further, the various electrode configurations of Shlain are optionally used, e.g.,

referring to Fig. 9, the cone electrode 50 may be used in lieu of the needle 54 when the needle 54 is retracted (col. 8, lines 39-42). Shlain thus fails to teach or disclose at least a sliding member movable relative to a hook member between which a captured blood vessel is situated, as recited in claims 18-20 of Applicants' invention. Shlain further fails to teach or disclose the at least one electrode for cauterizing a blood vessel captured between the plunger and the hook member as also recited in claims 18-20 of Applicants' invention. Accordingly, as Shlain fails to teach or disclose each and every feature recited in claim 18 of Applicants' invention, from which claims 19 and 20 thereof depend, withdrawal of the 35 U.S.C. §102(b) rejection of claims 18-20 based on Shlain is respectfully requested.

In the Office Action, claim 21 is rejected under 35 U.S.C. §102(b) as allegedly anticipated by Knoepfler (U.S. Patent No. 5,397,333) (hereafter "Knoepfler"). The rejection is respectfully traversed.

As before, to maintain a 35 U.S.C. §102(b) rejection, a reference must teach each and every feature of a claimed invention. Knoepfler does not do so.

Applicants' invention with respect to claim 21 comprises a surgical device for severing tissue having, *inter alia*, a plunger, a hook member, and a cutting blade slidably disposed within the plunger. The hook member and the plunger are movable relative to one another and configured to capture a vessel between the hook member and the plunger. The cutting blade is slidably disposed into and out of the plunger to sever the captured vessel between the hook member and the plunger.

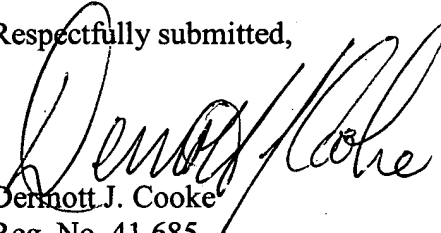
Knoepfler discloses two embodiments of a hook knife 10 and 10' for use in a surgical procedure. The hook knife 10, of the first embodiment of Knoepfler, fails to disclose a plunger or a cutting blade slidably disposed within the plunger to sever a captured vessel as

recited in claim 21 of Applicants' invention. On the other hand, the hook knife 10', of the second embodiment of Knoepfler, includes a push rod (plunger) 16, but fails to disclose a cutting blade slidably disposed within the plunger to sever a vessel captured between a hook member and the distal end of the plunger as recited in claim 21 of Applicants' invention. Thus, Knoepfler fails to teach or disclose each and every feature recited in claim 21 of Applicants' invention. Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection of claim 21 based on Knoepfler is respectfully requested.

Applicants submit that the claims presented, in view of the remarks made herein, are patentably distinguishable over the art applied and pose no 35 U.S.C. §112 issues. Accordingly, prompt allowance of claims 18-21 is respectfully solicited.

Should the Examiner determine that anything further is desirable to place this application in even better form for Allowance, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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